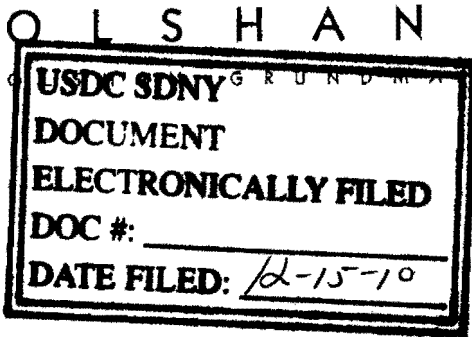


MEMO ENDORSED



FROM E ROSENZWEIG & WOLOSKY LLP

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December 13, 2010

BY FACSIMILE (212) 805-7949

Hon. P. Kevin Castel
United States District Court Judge
500 Pearl Street
New York, NY 10007-1312

Re: GoSMILE, Inc. v. Dr. Jonathan B. Levine, D.M.D., P.C. and Dr. Jonathan B. Levine, 10-CIV-8663 (PKC) (DCF)

*Case management
conference adjourned
for December 15 to
Dec. 16 at 3:00pm
SO ORDERED.
12-14-10*

Dear Judge Castel:

Over the last weekend, this firm was asked to represent defendants Dr. Jonathan B. Levine, D.M.D. P.C. and Dr. Jonathan B. Levine, together with Davidoff, Malito & Hatcher LLP, in this matter. We filed our notice of appearance in this action earlier today.

I write to request an adjournment of the Case Management Conference scheduled for December 15, 2010, at 11:00 a.m. I have a pre-existing professional commitment at the time of the Case Management Conference, and respectfully request that the Case Management Conference be rescheduled to December 16, 2010 at 3:00 p.m., which is a time the Court's Deputy Clerk advises may be available to us.

I understand that there have been no previous requests for adjournments of this Case Management Conference. My co-counsel has conferred with plaintiff's counsel, and confirms they have agreed to the adjournment. I greatly appreciate the Court's consideration of this request and attention to this matter.

Respectfully submitted,

Kyle C. Bisceglie

1151780-1

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December 13, 2010

Page 2

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